

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

LOUIS BATISTA,

Plaintiff,

v.

WASHINGTON STATE DEPARTMENT  
OF CORRECTIONS, et al.,

Defendants.

Case No. C04-5413RBL

ORDER ADOPTING REPORT  
AND RECOMMENDATION  
AND GRANTING PLAINTIFF'S  
MOTION FOR LEAVE TO  
AMEND HIS COMPLAINT

This matter is before Court on the Report and Recommendation of Judge Karen L. Strombom, United States Magistrate Judge, and upon the Plaintiff's Motion to amend his complaint to remedy at least one of the deficiencies in his Complaint, as outlined in the R&R. The court has read the complaint and the Report, and is familiar with the remaining record. Therefore, the court does hereby find and

ORDER:

- (1) The Court ADOPTS the Report and Recommendation;
- (2) Plaintiff's claims against the named defendants are DISMISSED; and
- (3) Plaintiff's Motion to Amend his Complaint to name Sergeant Rorher, the principal actor in the events which are the subject of his complaint, is GRANTED. Plaintiff shall file an amended complaint naming Sargent Rorher within 20 days of the date of this Order, or the Plaintiff's current complaint will be dismissed without further notice. The new Complaint shall not include the defendants who are dismissed in this Order.

- 1 (4) The current trial date and pretrial schedule are VACATED. The court will issue a new  
2 scheduling order and a new trial date, after the amended complaint is filed.
- 3 (5) The Clerk is directed to send copies of this Order to plaintiff's counsel, defendant's counsel  
4 and Magistrate Judge Karen L. Strombom.

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6 DATED this 19<sup>th</sup> day of April, 2003.

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9 RONALD B. LEIGHTON  
UNITED STATES DISTRICT JUDGE

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